IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21910 of 2004

Between:

Nomula Mohan Reddy S/o.Raji Reddy
R/o.Dharmasagar Village&(M), Warangal Dist.

..... PETITIONER

AND

1 Sub-Inspector of Police
Subedari Police Station, Warangal Dist.
2 Deputy Superintendent of Police
Hanamkonda, Warangal Dist.
3 Superintendent of Police
Warangal.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondents in harassing, threatening and keeping the petitioner illegally in police station Subedari from morning to evening in connection with CRNo.717/04 of police station Subedari is highly arbitrary, bad and illegal.

Counsel for the Petitioner:MR.P.PRABHAKAR REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR HOME

The Court at the admission stage made the following Order:

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 21910 of 2004

ORDER:

The petitioner is shown as one of the accused in Crime No.717 of 2004 on the file of P.S.Subedari. His complaint is that he is being required to attend the police station and kept there throw out the day indiscriminately. He seeks appropriate relief in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

According to the petitioner, his son and daughter-in-law are residing in United States peacefully, whereas on the complaint said to have been made by the mother of his daughter-in-law, the respondents are harassing him. This Court is not concerned with the facts of the case at this stage. Once a crime is registered against the petitioner, he can certainly be questioned by the police for the purpose of submitting a report/charge sheet to the Court. However, the petitioner cannot be made to sit for days together in the police station nor can the petitioner be compelled to settle the issue or to take any particular steps. Such acts are certainly outside the scope of investigation under Cr.P.C. Inasmuch as the allegations against the petitioner are virtually indirect in

nature, his presence cannot be required for so many days.

In that view of the matter, the writ petition is disposed of directing that the respondents 1 and 2 shall not require the petitioner to attend the police station except for the purpose of recording the statement, with a view to enable them to file the charge sheet in the Court, nor shall they compel the petitioner to take any particular steps. There shall be no order as to costs.

13.12.2004

usd/ts

To

1 The Sub-Inspector of Police

Subedari Police Station, Warangal Dist.

2 The Deputy Superintendent of Police
Hanamkonda, Warangal Dist.

3 The Superintendent of Police
Warangal.

4. Two CCs to G.P. for Home, A.P.High Court of A.P., Hyderabad (OUT)

5. Two CD copies.